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Dorothy L Bergman
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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| In Re the application of: | Mohr, et al. |
| Application No.: | 09/690,147 |
| Filed: | 10/17/2000 |
| For: | AUTOMATED MACHINE AND METHOD FOR FRUIT TESTING |
| Art Unit: | 2857 |
| Conformation No.: | 2546 |
| Examiner: | West, Jeffrey R. |
| Date: | November 15, 2002 |



BOX AMENDMENTS - FEE
Assistant Commission For Patents
Washington, D.C. 20231

To The Assistant Commissioner for Patents:

This action is responsive to the first office action indicated as mailed 5/20/2002.

**Please amend** the two sheets of drawings having Figures 4 and 5 respectively as shown in normal symbology in red on the marked-up copies of those drawings. Upon approval please file the clean copies of those corrected sheets of drawings that are marked as such and

transmitted herewith.

**Please amend the specification** as shown in red on the marked-up copy in normal symbology and upon approval please file the clean copy of the entire amended specification that is transmitted herewith.

**Please amend the Claims** in the application as indicated in normal symbology in red on the marked-up copy transmitted herewith and upon approval please file the clean copy of the amended Claims transmitted herewith.

## DETAILED ACTION AND DRAWINGS

### *Drawings*

0. In view of the several clerical errors noted by the Examiner the entire specification was reviewed and other errors in grammar, rhetoric and semantics were noted. The entire specification has therefore been prepared in marked up form in traditional symbology with changes be they additions or deletions, indicated in red for more easy view. The amended specification was prepared from the computer file of the original, but the type font of the amended specification had to be slightly different and the pagination of the amended specification is therefore not identical to the original, though the content is, except as amended in conventional symbology in red.

0.1 Original Claims 1, 3-4 and 6-16 remain herein as amended. Applicant believes that these remaining claims contain allowable subject matter now in properly expressed form and therefore request reconsideration and reexamination hereof pursuant to 37CFR §1.112, MPEP §706.

1. The drawing in Figure 4 has been modified to change the reference number "33"

in the lower medial portion to - -11- - to represent the "power train" generically. Figure 10 on the same sheet has had the spelling "Otimal" corrected to - -Optimal- -. The drawing of Figure 5 has been corrected in the medial portion to shorten the leader line on reference number "47" to the periphery of the plunger slide the reference number "47a" has been changed to - -47b- -; the number - -47a- - has been added to indicate the plunger slide body; and the number "47b" has been changed to - -47c- - to indicate the lower leg of the plunger slide. On the stress block the number "55" has been changed - -55a- - to indicate the sensing elements of the strain gauge and the number - -55- - has been added to indicate the string gauge *per se* as it appeared that the character - -55a- - appeared in the amended specification page 27, line 16 and had not previously appeared in the drawings.

2. The reference character - -44a- - has been added to Figure 4 to indicate the bolt communicating between the screw shaft 44 and collar 43 of screw drive shaft 40.

3. Figures 3 and 6 were objected to as including the numbers "4" and "71" which were not mentioned in the description. The number "4" appearing in the upper portion in Figure 3 designates a cross-sectional line and was referred to on page 15, line 14 et seq. (original specification). The amended specification page 25, line 2 has been amended to indicate that the character "71" is a sensor to determine open or close position of front shield 30.

***Specification***

4. The abstract of the disclosure has been rewritten to bring it within the permitted one hundred fifty (150) word limit. It is requested that the original abstract be cancelled and replaced with the amended abstract transmitted herewith in clean copy format.

5. Page 19, line 16 (original specification) has had the number "11" amended to - -10- - as indicated at page 19, line 14 (amended specifications).

Page 21, line 17-18 (original specification) has had the designation of "upper leg" changed from "47a" to - -47b- - and the designation of "lower leg" changed from "47b" to - -47c- - as indicated at lines 14-15 on page 21 (amended specifications).

Page 22, lines 10 (amended specification) has amended space strain "gauges 55" to space strain gauge 55 to remove the ambiguity referred to. The number "55" has been used to designate entire strain gauge having multiple separable parts and the number "55a" on page 27, line 16 (amended specification) has been used to designate the individual sensing elements of the strain gauge. Figure 5 (as approved to Examiner's reference to Figure 7) has been appropriately modified in the drawings and page 22, line 10 has been modified to remove any ambiguity.

***Claim Objections***

6. Claim 2 is being deleted herein and this makes the objection to its phraseology moot.

7. Claim 4, line 7 (amended version) has been modified to change "stipper" plate - -stripper- - plate.

8. Claims 11-15 were objected to as depending from rejected Claim 7, but Claim 7 has been amended in this action and is now believed to encompass patentable subject matter pursuant to reasoning in the last office action.

***Name Rejections-35 U.S.C. § 112***

9. Applicant is aware of the statutory language set forth in 35 U.S.C. §112.

10. Claim 17 has been cancelled in this amendment. The objection thereto will be made moot by such cancellation.

***Claim Rejections- 35 U.S.C. § 103***

11. Applicant is aware of the noted statutory language.

12. Claim 1 was rejected with the "HortPlus Quick Measure Penetrometer System" User Manual and Fact Sheet as a primary reference and Merck, Jr. and Buschmann, et al., as teaching references in specified order. HortPlus in essence discloses a motor driven version of the manually operated hand fruit tester that has been long known and used in the apple industry to determine a maximum resistive force encountered in moving a plunger through the flesh of an apple or similar soft fruit. Most importantly it would appear that the HortPlus reference material is not a valid prior art reference. 35 U.S.C. §103(a) requires that prior art to be anticipatory must be such that the subject matter as a whole would have been obvious "at the time the invention was made" to a person having ordinary skill the art. There is no indication in the HortPlus reference material provided by the Examiner of the date at which that material became public. The only date at all that appears on any of the material is that of "5/3/02" that appears opposite the Uniform Resource Locator (URL) for the HortPlus website at the bottom of the Examiner supplied reference material that was obviously printed from the Internet. The 5/3/02 date obviously is long after the filing of the instant application on 10/17/00 and just as obviously subsequent to "the time the [instant[ invention was made". Investigation of the HortPlus website at the URL indicated revealed no more than the reference material that the Examiner provided and did not indicate any dates at all concerned with or relating to "The HortPlus Quick Measure Penetrometer System". It is not known by Applicant or indicated by the Examiner when the HortPlus system and material relating thereto came into the public domain.

Additionally, assuming *arguendo* that the reference were valid, the instant remaining product Claim 1, 3-4, and 6, as amended, distinguish over the HortPlus material. The instant independent Claims 1 and 6 have been amended to specifically limit the nature of the indentation

in the centering plate to be "conic" or "a right circular cone" which provides for centering fruit of any curvature whereas this type of centering is not provided by a flat anvil or by a three dimensional indentation having fixed curvature in three mutually perpendicular planes. The instant independent Claims 1 and 6 also have been modified to limit the nature of the trust block to one having an "S" shape with two vertically spaced horizontally cantilevered arms interconnected by a peripherally defined rectilinear body providing upper and lower beams to carry a plurality of spaced stress sensors or gauges that are interconnected in a full bridge circuit to provide very accurate measurement of pressure resisting plunger motion as required by the instant device to preform the instant processes. HortPlus shows no such structure nor any structure that would perform the same function.

Merck, Jr., shows a hardness tester for metals of the "Rockwell" type. The reference apparently was cited to show the overall penetrator structure, the sensing and control of the penetrator position, and sensing of the force causing penetration of the tester. This reference either standing alone or in combination with HortPlus does not show a sample support plate defining an inverted conic indentation for centering a curvilinear product to be tested and does not show an "S" shaped stress block carrying a plurality of space strain gauges on two spaced stressed beams.

More importantly, however, it is Applicant's understanding that when references are combined to show obviousness under Section 103, at least one of the combined references must show some reason for making the combination. It appears that the Applicant and the Examiner may have different views concerning this matter and to save future time and effort a memoranda setting forth the Applicant's views is appended hereto and made a part hereof by this reference.

A Rockwell type hardness testing device such as Merck, Jr., uses forces that are

thousands of times greater than those used in soft fruit testing and the structures of the two devices are corresponding dissimilar because of the different requirements of their function. The Rockwell type tester measures only the distance that the indenter moves into the surface of the tested material and the maximum force applied to the indenter. The material tested is normally a piece of metal having a flat base for support and the applied force is vertically oriented so no indentation in the support anvil is necessary to positionally maintain the tested material and Merck, Jr., therefore, shows only a supporting anvil having a planer support surface with no indentation at all. With the difference in magnitude of the forces applied in a soft fruit tester and those in a Rockwell type metal hardness tester, there is no need in the latter tester for the sophisticated stress block that is now limited in independent Claims 1 and for the instant device. Most importantly, however, there is nothing in either HortPlus or Merck, Jr., that would indicate how or why either should be combined with the other to show anything, but rather the making of this combination arises in the mind and subjective opinion of the Examiner. Under both old and new case law as set forth this appears to be an invalid combination of references notwithstanding its ingenuity.

Buschmann was cited to show a plunger type load testing device having means for aligning a test chamber with a load cell to accurately measure applied force and load cell position. The reference does discuss alignment of the test chamber and load cell, but makes adjustments for alignment by manual manipulation of test chamber position (column 2, lines 53-61) and does not provide any configurational means for automatically centering a curvilinear test subject on a surface supporting it, such as the inverted conic indentation of the instant device. In the illustration of Figure 4 of the reference the element 40 is a material being tested and not a support for such material. The reference in discussing accuracy of measurements does

not show a stress block having multiple spaced train gauges connected in a complete bridge circuit as limited in both independent Claims 1 and 6 of the instant invention. Again this reference taken individually or in combination with either or both of HortPlus and Merck, Jr., shows no reason why it should be combined with those references or why those references should be combined with Buschmann to make the instant fruit tester obvious. The reason for making the combination resides in the subjective opinion of the Examiner rather than in the objectivity of the references themselves.

13. Claim 3 was rejected over HortPlus, Merck, Jr., and Buschmann with McKay, et al., as an added teaching reference. McKay et al., was cited to show a peripherally defined chamber around the test specimen. The McKay, et al. reference does not define a chamber enclosed in all of its vertical sides as does the instant device and does not define a hingably openable door as now limited in the amended Claim 3. Most importantly, however, there is no showing in the McKay reference or the references of HortPlus, Merck, Jr., and Buschmann as to how any of them should be joined with any others and the reason for joining the McKay reference again arises from the subjective opinion of the Examiner, apparently from remote similarity, rather than from any of the references themselves. Logically, however, if amended Claim 1 is allowable as thought by the Applicant, Claim 3 is merely a further limitation of an allowable base claim and therefore should be allowable as such.

14. Claim 4 was rejected over a combination of HortPlus, Merck, Jr., and Buschmann in combination with the additional reference of Leuchtenmuller. Leuchtenmuller shows a needling apparatus for a felted material that has a stripper plate above the felted material to be needled so that the needles may be removed upwardly out of the needled material. Here again there is no reasonable connection between the needling of felted material and the intrusive

plunger testing of soft fruit. The only thing that makes any connection is the fertile imagination of the Examiner. No reasonable man skilled in designing fruit testers would likely be concerned with the needling of felted fabrics to distribute the felted fibers in three-dimensional space rather than in a two-dimensional plane. There is nothing in any of these previously combined references indicating how or why they should be combined with Leuchtenmuller and there is nothing in Leuchtenmuller indicating in how it should be combined with the other references. The Examiner indicates the reason for making the combination is his subjective opinion of a person reasonably skilled in the art rather than anything objective in any of the references and that the Applicant believes is improper. Again, if amended Claim 1 is allowable as argued, it would seem as a matter of logic that Claim 4 should also be allowable as a further limitation of an allowed claim.

15. Claims 5 and 6 were rejected over the combination of HortPlus, Merck, Jr., and Buschmann with the additional teaching references of Peleg and Spletzer. Claim 5 has been cancelled in this amendment and therefore moot. Claim 6 as amended is in essence a combination of the subject matter of Claims 1,3 and 4 in a single claim. The same argument concerning the combination of the HortPlus, Merck, Jr., and Buschmann references is reiterated as to Claim 6 which in it's amendment has been limited to claim further limitations of the right circular conic indentation in the upper surface of the base, the "S" shaped stress block and the plurality of strain gauges carried by the stress block and connected in a full bridge circuit.

The relevance of Peleg is not clear as that reference teaches of generating vibrations in a fruit and measuring modifications in the vibrations after they pass to the other side of the fruit. This is a non-destructive fruit tester which by its nature of not physically invading the tested fruit is quite readily distinguished from a destructive type tester that is invasive and measures

viscoelastic properties within the fruit. Additionally, Peleg does not classify the fruit into any concentric zones and does not disclose any means or method of measuring attenuation within any distinct and differential internal zones. The instant Claim 6 also is to product rather than to a process as taught by Peleg. Undoubtedly the use of a battery to power almost any smaller electrically powerable device is well known *per se,* but that feature is not claimed *per se* in Claim 6 but rather only as a necessary element of an entire operative combination. Again, there is nothing in Peleg or in the references combined with it to show how or why any of those references should be combined with each other, but the reason for the combination again lies in the subjective opinion of the Examiner and not in any objective reason in the references themselves.

Spletzer shows a three-dimensional load cell that measures along six angulated axes for robotic applications and in so doing it uses a plurality of spaced load cells about the periphery of a hollow solid. The instant stress block uses a particularly shaped "S" structure to measure a load about a single axis and in so doing uses a plurality of strain sensors that are positioned spacedly distant from the load axis on stressed beams extending perpendicular to the load axis. The instant strain sensors are coupled in a simple complete bridge circuit while the strain sensors of Spletzer must be related by complex algorithm to provide load data about its six axis. Again load cells and strain sensors *per se* are well known, but there is nothing in Spletzer or the other references with which it is combined to show why any of them should be combined with any other to accomplish either the instant structure or function. The reason for the combination in this instance again rests in the subjective opinion of the Examiner as to the thinking of a person reasonably skilled in the art rather than in any objective material in the applied references themselves. It again is to be remembered that the instant load cell is claimed only as a necessary

element of a combination and not *per se*. It appears to the Applicant that no person of reasonable skill in the fruit testing field would ever use a load cell such as that disclosed by Spletzer to determine single axis loads in an intrusive soft fruit testing device.

16. Claims 2 and 7-10 were rejected as being obvious over the combination of HortPlus, Merck, Jr., and Buschmann in view of the European patent to Abbal, et al. Claim 2 has been cancelled in this amendment so any argument concerning it has become moot. Claims 7-10 are process claims and as amended Claim 7 now includes the limitation of classifying a fruit into three concentric zones of determining data concerning viscoelastic properties had at least one data point in each of the three concentric zones. With these new limitations added by the amendments made herein it would appear that none of the references of HortPlus, Merck Jr., Buschmann and Abbal, et al., would show the process of Claim 7 as now limited. This thinking would also appear to be consonant with the Examiner's action of 5/22/02 in merely objecting to Claims 11-15 because they were dependent on a parent claim that had been disallowed.

Abbal apparently was cited primarily to show a fruit tester wherein fruit is placed "on a dished (i.e. conic shaped) support". The Applicant believes that a "dished support" is quite different from a "conic shaped" support and each provides a different supporting function. The only showing of the shape of the Abbal support is in Figure 3 or Figure 5 of the reference and it is there indicated as being curvilinear at least in one cross-sectional plane and most probably constituting a cordal portion of a sphere. With such a "dished support" the support of a bulbous type fruit such as the common pipids and drupes is quite different than the support of such a fruit in a conic indentation. If the curvature of the supported fruit portion is greater than the curvature of a "dished" support, the fruit will be free to move in the indentation of the support, whereas with a conic support such is not the case and the fruit will be supported so that it will not move.

Any curvilinear portion of the fruit supported in an inverted conic indentation, notwithstanding its curvature, will always have at least a lineal portion supported on the conic support surface.

17. Claim 16 was rejected over the combination of HortPlus, Merck, Jr., Buschmann and Abbal in further view of Cawley. It would appear that the further limitations that have been added in this amendment to Claim 7, which is the parent claim from which Claim 16 depends, would overcome the objection previously made to original Claim 16, as none of the applied art, shows the division of a fruit to be tested into three concentric zones and the measurement of viscoelastic data being collected at at least one data poins in at least two of those zones.

Cawley was cited to show a fruit tester that impacts a fruit on one side and measures the impact characteristics on the opposite fruit side by means of force-frequency measures determined by Fourier methods. The Cawley process is a non-destructive testing method as opposed to the instant destructive testing method, and by reason of this determines different characteristics. Cawley determines viscoelastic characteristics from an entire fruit without distinguishment in any distinguishable parts, whereas the instant invention determines such characteristics within at least two spaced predetermined zones of a fruit by moving a cylindrical plunger therein. This measures essentially the crispness of an apple in the fruit zones tested. This crispness factor may vary widely in the three classified zones of the apple and the difference in the three zones is material to determination of the present maturity state of the apple and the prognosis of its future state as a function of time, all as well described in the instant specification. There is nothing in Cawley that indicates the sensing of viscoelastic properties in a fruit at different concentric zones within the fruit or in fact that even indicates that there are concentric zones within a fruit that have differing viscoelastic properties.

Claim 17 has been cancelled as it was not thought by the Applicant that it claims any

subject matter that was not claimed in the other remaining claims.

***Conclusions***

18. It is Applicant's understanding that prior art made of record and not relied upon has not been applied and requires no response, so none is made. Applicant agrees that none of the patents "made of record" are relevant in determining patentability of the instant invention and if response is desired concerning these references, Applicant will be happy to provide it upon indication of the relevancy of the art.

Various formalities and errors in rhetoric, grammar or semantics were noted in preparing this amendment, other than those pointed out by the Examiner, and have been corrected as noted by the Applicant. None of these changes or modifications except as specifically discussed, however, are material to the patentability of any of the Claims involved, and are not thought to add any new subject matter. The reason for these corrections appear obvious on their face..

***Summary***

Claims 1, 3-4, 6-16 as amended remain herein. Applicant believes that these remaining claims contain allowable subject matter in properly expressed form and it is therefore requested that this matter be reconsidered and reexamined in light hereof. Upon so doing it is requested that the remaining Claims be allowed and this matter passed for issue.

Respectfully Submitted,

Charles L. Mohr and Brandt C. Mohr, Inventors

By: _____

Keith S. Bergman, Their Attorney

## COMBINATIONAL OBVIOUSNESS

### *Law Prior to CAFC*

The Patent Office sought to resolve the combinational obviousness problem in *McCullum case*, 1914 CD 70, and the Supreme Court sought to resolve it in *Graham v. John Deere*, 338 US 1, 86 S. Ct. 684, 148 USPQ 459. Neither decision seems to have completely fulfilled this purpose, however.

Under these cases it was quite well settled law that a patentable inventive combination could not be anticipated by piecemeal finding of separate individual features of invention in the prior art, and especially in non-analogous prior art.

Rather it is necessary that all elements of an invention or their equivalents be found where they perform substantially the same function in substantially the same way.

*Holstensson vs. Webcor. Inc.*,112 USPQ 463

*Anderson Co., vs. Sears, Roebuck &Co.*, 119 USPQ 236

*Messing vs. Quiltmaster Corporation*, 116 USPQ 378

*Eversharp, Inc. vs. Fisherban Co., Inc.*, 132 USPQ 423

*United Merchants & Manufacturers, Inc. vs. Ladd*, 139 USPQ 199

*Carboline Co., vs. Mobile Oil Corp.*, 163 USPQ 273

*Bela Seating Co., vs. Poloron Products. Inc.*, 160 USPQ 646

*Diversified Products Corp., vs. Sports Stores. Inc.*, 160 USPQ 458

*Simmons Precision Products, Inc., vs. United States*, 163 USPQ 465

The fact that all elements of a combination may be found in various patents does not of itself negate an invention. *In re Hummer*, 113 USPQ 66. A prior art reference cannot be used with hindsight to say, after the instant invention, that it would have been obvious to one of ordinary skill to have done what the inventor did, but rather the matter must be viewed at the time of the prior reference.

*In re Ratti*, 123 USPQ 349

*Regent Jack Manufacturing Co., Inc. vs. United States*, 130 USPQ 235

*White vs. Tack Track, Inc.*, 140 USPQ 156

*Ex parte Goonewardene vs. Love*, 160 USPQ 287

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References may not be combined when there is no suggestion in them that they could be combined to produce the results of the instant invention.

*Tietig vs. Ladd*, 141 USPQ 372

*Matherson-Selling Co., vs. Carl Corr Color Card, Inc.*, 154 USPQ 265

***Law Under CAFC***

The Court of Appeals for the Federal Circuit (CAFC) since its formation in the fall of 1982 has followed the same general philosophy, though it undoubtedly has not completely filled its charge of increasing a doctrinal stability in the field of patent law. The test for a *prima facie* case of combinational obviousness has been stated to be whether there is something in the prior art as a whole to suggest the desirability and thus the obviousness of making a combination of elements found in a challenged claim of the present invention.

*Custom Accessories v. Jeffrey Allen Industries*, 897 F(2d) 955

*Lindemann Maschinefabrik v. A.M. Hoist & Derrick*, 221 USPQ 481

*Fromson v. Advance Offset Plate, Inc.*, 225 USPQ 25

*Grain Processing Corp. v. American Maize Products*, 5 USPQ (2d) 1788

A variant of this test is whether the prior art would have suggested to one of ordinary skill that the invention should be carried out and would have a reasonable likelihood of success, viewed in light of the prior art without reliance upon the present inventor's disclosure. *In re Dow Chemical Co.*, 5 USPQ (2d) 1529.

In dealing with these basic obviousness rules, the CAFC has indicated that there must be at least a suggestion in the individual prior art references of the combination that is made in the instant invention. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 5 USPQ (2d) 1434.

Both suggestion and expectation of success of making a combination must be found in the prior art itself and not in the Applicant's disclosure and that prior art must suggest the reason for the instant invention. *In re Dow Chemical Co.*, 5 USPQ (2d) 1529. An invalidating suggestion from the prior art need not be an express indication. *Milliken Research Corp. v. Dan River, Inc.*, 222 USPQ 571. Although the suggestion must be plain or clear.

*Fromson v. Advance Offset Plate, Inc.. supra*;

*King Instrument Corp. v. Otari Corp.*, 226 USPQ 402

*Kimberly-Clark Corp., v. Johnson & Johnson*, 223 USPQ 603

It is not sufficient to establish an invalidating suggestion to merely show some or all of the claim elements or limitations of the instant invention. The test is whether the prior art substantially shows the overall meaningful combination of the claim elements substantially as opposed to merely cataloging those elements.

*Interconnect Planning Corp., v. Feil*, 227 USPQ 543

*Custom Accessories v. Jeffrey-Allen Industries*, 807 F (2d) 955

*Lindemann Maschinefabrik v. Am. Hoist & Derrick*, 221 USPQ 481

The suggestion or lack of it indicating advantages of the present invention is material in considering the prior art rather than merely focusing on structural elements. Even if there is only a slight structural difference, significant advantages over the prior art may result from the structural difference, significant advantages over the prior art may result from the structural difference and the failure of the prior art to suggest the advantage is an important factor in determining that there is no invalidating suggestion. *Feil*, 744, F(2d), 1143. There is, however, no requirement that there be advantages over the prior art as a prerequisite for no obviousness. *Ryco. Inc. v. Ag-Bag Corp.*, 8 USPQ(2d) 1323.

Suggestions of purpose, function and problems solved by an invention have been held, where the prior art references have components of the instant invention, to be an important factor in deciding whether there is an invalidating suggestion. *Lindemann Maschinefabrik v. Am. Hoist & Derrick*, 730 F(2d), 1461-1462. The case of *In re Wright*, 6 USPQ (2d) 1959, reverses the Patent Office decision to the contrary in such a situation. The CAFC similarly has indicated that the similarity or dissimilarity of function between the instant invention and the prior art is an important consideration. *Ryco. Inc. v. Ag-Bag Corp.*, 8 USPQ (2d) 1323; *In re Fine*, 5 USPQ (2d) 1596. The latter case again corrected the erroneous view of the Patent Office in this regard. In making these analyses, the CAFC indicated again in correcting Patent Office views, that the prior art must be looked at as a whole and each reference individually must be considered, as an invalidating suggestion cannot be found by construing individual statements in prior art references in a manner which is not supported by their context in the

reference. *In re Richard Wright*, 9 USPQ(2d) 1649.

Those guidelines given by the CAFC concerning combinational obviousness are not complete and leave various areas of question. They do seem to resolve the problems in the instant matter, however, as in determining whether obviousness is shown by the prior art, one must look at that art as a whole rather than part by part. When that is done in this instance, it appears as hereinbefore stated that the prior art references of record are not concerned with the problems solved and do not recite the same structures or process as the instant invention. The Examiner makes an ingenuous and imaginative combination of the prior art, but the skills involved are far beyond those of an ordinarily skilled designer in the field and the purposes are different, as the references do not have any showing as to how or why they should be combined with each other to accomplish either the structure, process, function or purpose of the instant invention.